

## Update: Criminal Procedure Monograph 8—Felony Sentencing

### Part X—Selected Post-Sentencing Issues

#### 8.52 Appellate Review of Felony Sentences

##### C. No Remedy Available, Permitted, or Necessary

Insert the following text after the April 2006 update to page 214:

See e.g., *People v Freeman*, \_\_\_ Mich \_\_\_ (2006),\* where even though the sentence imposed on the defendant was within the guidelines range as calculated without the scoring error, resentencing was required because the trial court referenced a different guidelines range (the guidelines range as calculated using the *incorrect* OV score) when it imposed the defendant's initial sentence.

##### D. Sentences Imposed Under the Statutory Guidelines

###### 1. Sentences Within the Guidelines Range

See e.g., *People v Freeman*, \_\_\_ Mich \_\_\_ (2006),\* where even though the sentence imposed on the defendant was within the guidelines range as calculated without the scoring error, resentencing was required because the trial court referenced a different guidelines range (the guidelines range as calculated using the *incorrect* OV score) when it imposed the defendant's initial sentence.

\*Order for resentencing in lieu of granting leave to appeal the decision in *People v Freeman*, memorandum opinion of the Court of Appeals, issued February 16, 2006 (Docket No. 258261).

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